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## Tendencies, Legislature and Judicial

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involved in a case will be determined in one appeal, even at the risk of changing some of our theories concerning the functions of courts and juries?

### TENDENCIES, LEGISLATIVE AND JUDICIAL

During the past winter a number of legislatures had before them bills that uniformly read as follows:

"Every undertaking or promise hereafter made, whether written or oral, express or implied, constituting or contained in any contract or agreement of hiring or employment between any individual, firm, company, association or corporation, and any employee or prospective employee of the same, whereby (a) either party to such contract or agreement undertakes or promises (\*) not to join, become or remain, a member of any labor organization or of any organization of employers or (b) either party to such contract or agreement undertakes or promises that he will withdraw from the employment relation in the event that he joins, becomes, remains, (\*\*) a member of any labor organization or of any organization of employers, is hereby declared to be contrary to public policy and wholly void."

Amendments offered to such bills were as follows: By inserting at the point marked (\*), "to join, become or remain, or"; and by inserting at the point marked (\*\*) "or does not join, become or remain". When so amended the proponents of the measure opposed it.

In Great Britain, where labor unions have had more to say about government and industry than anywhere else, the Government has introduced a bill in Parliament which would curb the powers of trade unions to call and carry on strikes against public interest, declaring picketing unlawful, forbidding civil servants to become members of trades unions, requiring trade unions to keep political funds separate from other funds, etc. That the officials of the British Government should take this matter in hand is rather stirring evidence that the British people are tired of the devastating upheavals that have shaken that country in recent years, but it is epochal not only in that sense but also in the sense that it represents what appears to be a reversal of British policy. The progress and outcome of this piece of legislation will be watched with interest.

Judicially, the decision handed down April 11, 1927, by the Supreme Court of the United States may appeal as being of some moment. The case had been in the courts for some time, and originated in the issuance of a strike notice by the Journeymen Stone Cutters' Association of America to all its locals and members, directing them to refuse to work on "unfair" stone or stone which had been handled by non-union labor. The evidence disclosed that this rule was adhered to and enforced against the product of the Bedford Cut Stone Company in various cities, that there had been instances of actual interference with the use of the Bedford stone by interstate customers, and that pressure had been brought on builders, contractors and others. The Bedford Company applied for relief by injunction against the acts of the stone cutters, and it was HELD: That, while labor organizations, in general purpose and in and of themselves, were lawful, and the ultimate results aimed at may not have been illegal, the means adopted were unlawful under the Clayton Act; that the strikes, ordered and carried out, were for the purpose of preventing the use and installation of the product of the company, necessarily threatened to

destroy or narrow its interstate trade, and were, therefore, in restraint of interstate commerce. The decision of the Circuit Court of Appeals was reversed, and injunctive relief granted.

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### CHURCH AND STATE

"I believe in the worship of God according to the faith and practice of the Roman Catholic Church. I recognize no power in the institutions of my Church to interfere with the operations of the Constitution of the United States or the enforcement of the law of the land.

"I believe in absolute freedom of conscience for all men, and in equality of all churches, all sects, and all beliefs before the law as a matter of right, and not as a matter of favor.

"I believe in the absolute separation of Church and State and in the strict enforcement of the provisions of the Constitution, that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

"I believe that no tribunal of any Church has any power to make any decree of any force in the law of the land other than to establish the status of its own communicants within its own Church.

"I believe in the support of the public school as one of the cornerstones of American liberty. I believe in the right of every parent to choose whether his child shall be educated in the public school or in a religious school supported by those of his own faith.

"I believe in the principle of noninterference by this country in the internal affairs of other nations, and that we should stand steadfastly against any such interference by whomsoever it may be urged.

"And I believe in the common brotherhood of man under the common fatherhood of God.

"In this spirit I join with fellow-Americans of all creeds in a fervent prayer that never again in this land will any public servant be challenged because of the faith in which he has tried to walk humbly with his God."—Governor Smith's reply.

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### REFERENDUMS

Perhaps no better illustration of the unsatisfactory results obtainable by referendums could be cited than that disclosed by the attempt to refer the matter of determining the deceased jurist who should represent North Dakota in one of the volumes of *Corpus Juris*. Six weeks after ballots were sent out, return postage being provided, only sixteen per cent of the attorneys of the State had voted; and yet we sanctimoniously announce, upon occasion, that the cure for the ills of democracy is more democracy and periodically pule concerning the indifference of voters at other elections.

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### PLAN FOR ANNUAL MEETING NOW

President McIntyre advises that the 1927 annual meeting of the State Bar Association will be held on the 7th and 8th or the 8th and 9th of September, the exact dates being somewhat dependent on the convenience of the principal speakers. The members of the Association are urgently requested to plan now for their attendance and participation at the session. The meeting will be held at Grand Forks.